

**MEDICAL EXAMINING BOARD
MINUTES
MARSHFIELD CLINIC, MARSHFIELD WI
NOVEMBER 18, 2009**

PRESENT: Jude Genereaux, Dr. Jerold Harter, Dr. Sujatha Kailas, Dr. Jack Lockhart, Dr. Raymond Mager, Dr. Suresh Misra, Dr. Ian Munro, Dr. Gene Musser, Dr. Sandra Osborn, Dr. Sheldon Wasserman

EXCUSED: Dr. Bhipinder Saini, Carolyn Bronston

STAFF: Secretary Celia Jackson; David Carlson, Public Information Officer; Gail Sumi, Division Administrator; Michael Berndt, General Counsel; Karen Rude-Evans, Bureau Assistant; other DRL staff via telephone

GUESTS: Gary Plank, Sharyn Juneau, Rebecca Asselin, Jane Konop, Marilene Seeger, Gina Ratsch, William Jeppson, Joseph Kilsdonk, Debra Nieland, Barbara Kuhl, Terri Nuemier, Rhonda Thompson, Alana Ziaya, Steve Thoyer, Ed Krall, Lyle Hoerter, Paula Pritzl, R. Sandfort, Mary Kettrick, Barb Bartkowiak, Karl Ulrich, Kari Watson, Terri Goodwin, Sidney Johnson, Douglas Keeling, Brian Nikolai, Trish Derfus, Cheryl Lubach, Robert Phillips, David Nyman, Patti Havey and Brian Finnegan, Marshfield Clinic; Mar Bailey, Clinic Photographer; Mary Jo Knobloch; C.B. Loteyro, MD, MMG Public Health Council; Jake Miller and Laura Schmitt, Marshfield News-Herald; Cathy Meyer, Cardiovascular Associates; Al Neuhoﬀ

CALL TO ORDER

Gene Musser, Chair, called the meeting to order at 8:02 a.m. a quorum of ten (10) members was present. Dr. Musser gave a brief overview of the Board and their functions and duties.

APPROVAL OF AGENDA

Amendments to the Agenda:

- Item “B” (Open Session) Minutes of October 21, 2009, insert after page 6
- Under Item “C” (Open Session) ADMINISTRATIVE REPORT:
 - OPEN MEETINGS REQUIREMENT, insert before page 7
- After Item “H” (Closed Session) , insert after page 110:
 - Deliberation of Proposed Stipulation and Final Decision and Order in the Matter of Disciplinary Proceedings against Walter L. Melnyczenko, MD
 - Deliberation of Proposed Stipulation and Final Decision and Order in the Matter of Disciplinary Proceedings against Richard E. Simpson III, MD

- Deliberation of Proposed Stipulation and Final Decision and Order in the Matter of Disciplinary Proceedings against Azam M. Bhatti, MD

MOTION: Suresh Misra moved, seconded by Jack Lockhart, to approve the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF OCTOBER 21, 2009

Corrections to the Minutes:

- On page 5 of 14, under SCREENING PANEL, delete “Sandra Osborn” and insert “Jude Genereaux”
- On page 14 of 14, under ADJOURNMENT, change “Jerold Mager” to “Raymond Mager”

MOTION: Sujatha Kailas moved, seconded by Lockhart, to approve the minutes of October 21, 2009 as corrected. Motion carried unanimously.

WELCOME BY DR KARL ULRICH, PRESIDENT OF MARSHFIELD CLINIC

Dr. Karl Ulrich welcomed the Board and DRL staff members to the Marshfield Clinic.

REMARKS BY WISCONSIN DEPARTMENT OF REGULATION AND LICENSING SECRETARY CELIA JACKSON

Secretary Celia Jackson addressed the Board and the audience about the important work done by the Medical Examining Board and the Department of Regulation and Licensing. Several meetings a year from various boards are held outside of Madison to provide an opportunity for both professionals and the public to view the boards in action.

PRESENTATIONS OF PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS

JOHN E MCVEY, MD

DOE attorney Jack Zwieg presented via telephone a Proposed Stipulation, Final Decision and Order in the matter of disciplinary proceedings against John E. McVey, MD. This matter will be deliberated in closed session.

THOMAS H WILLIAMS, MD

DOE attorney Jack Zwieg presented via telephone a Proposed Stipulation, Final Decision and Order in the matter of disciplinary proceedings against Thomas H. Williams, MD. This matter will be deliberated in closed session.

WALTER MELNYCZENKO, MD

DOE attorney Pamela Stach presented via telephone a Proposed Stipulation, Final Decision and Order in the matter of disciplinary proceedings against Walter Melnyczenko, MD. This matter will be deliberated in closed session.

RICHARD E SIMPSON III, MD

DOE attorney Pamela Stach presented via telephone a Proposed Stipulation, Final Decision and Order in the matter of disciplinary proceedings against Richard E. Simpson, III, MD. This matter will be deliberated in closed session.

AZAM M BHATTI, MD

DOE attorney Arthur Thexton presented via telephone a Proposed Stipulation, Final Decision and Order in the matter of disciplinary proceedings against Azam M. Bhatti, MD. This matter will be deliberated in closed session.

ADMINISTRATIVE REPORT

Open Meetings Requirement

Gene Musser read the information regarding the open meetings requirement for the benefit of the audience.

Review and Deliberation of Wisconsin Reporting Requirements and Required Reporting Requirements in Other Jurisdictions

Michael Berndt, Board Legal Counsel, presented information on the reporting requirements in Wisconsin and in other jurisdictions. Some of the information from the FSMB for Wisconsin is inaccurate and needs to be corrected. Mr. Berndt will follow up with the FSMB. Gene Musser outlined four areas of concern:

- What is the status of who is required to report concerns to the Board and in which instances?
- Is this reporting actually occurring?
- If reporting is not occurring, how can the Board accomplish this?
- Should changes be made to the reporting system and requirements?

Sheldon Wasserman said he has had recent conversations with State Representative John Richards, Chair of the Assembly Health Committee. Representative Richards is very interested in pursuing areas of reform to accommodate the concerns of the Medical Examining Board. Dr. Wasserman recommended that the time to act is now before the end of the legislative session. Gene Musser appointed himself, Sheldon Wasserman, Suresh Misra and a representative from the Department of Regulation and Licensing to a

Legislative Committee to initiate statutory changes to reporting requirements to the Medical Examining Board.

Review and Deliberation of Outline of Proposed Medical Examining Board Annual Report

Noted.

DRL and MEB Overview Presentation by Wisconsin Department of Regulation and Licensing Secretary Celia Jackson (8:45 a.m.)

Secretary Celia Jackson presented a power point slide show of an overview of the Department of Regulation and Licensing and the Medical Examining Board.

Review and Consideration of the SPEX and COMVEX Exams-Susan Bird, DRL Examination Specialist, Sr. (appearance by telephone at 9:00 a.m.)

Susan Bird, DRL Examinations Specialists, gave a presentation at the October 21, 2009 Board meeting on the SPEX and COMVEX exams. Applicants for licensure are currently screened and an oral examination is required for a variety of reasons outlined in MED 1.06. There are concerns that our oral exam process may not adequately screen out candidates who are not current in medical knowledge or practice.

Susan Bird gathered more information on the specialty board examinations and presented this information today via telephone. After discussion, the Board requested the specialty board examinations be included in the scope statement. Mike Berndt and Susan Bird will draft the scope statement over the next two months and will bring it back to the Board for review.

Report on Statistics Related to Online Renewals

This item was noted

Update on Medical Examining Board Bureau Staff Recruitment

Gail Sumi introduced the new Medical Examining Board bureau assistant, Karen Rude-Evans, to the Board. Interviews for the MEB bureau director will be held next week and interviews for the Division of Enforcement investigator and for the credentialing program associate have been completed. It is anticipated that the new staff will be hired in mid to late December. Interviews will also be held in the near future for the advanced paralegal position.

**APPEARANCE BY DR NINA ANTONIOTTI, MARSHFIELD CLINIC
TELEHEALTH NETWORK'S PROGRAM, UPDATE ON THE APPLICATION
FOR AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA)**

Dr. Nina Antoniotti gave a presentation to the Board regarding the Department's application for the American Recovery and Reinvestment Act (ARRA) grant program relating to reducing or eliminating barriers to physician licensing and telemedicine practice.

SCREENING PANEL REPORT

Jude Genereaux reported the Screening Panel reviewed 37 cases, opened 8 and sent two 10-day letters.

LEGISLATIVE LIAISON REPORT

Review and Deliberation of LRB 3193/P1. Relating to the Regulation and Licensure of Genetic Counselors, Creating Genetic Counselors Affiliated Credentialing Board

This is a draft bill that has not yet been introduced. The Board took no action at this time.

Status Update of Assembly Bill 227, Related to Directing the Pharmacy Examining Board to Create a Program to Monitor the Dispensing of Prescription Drugs and Requiring the Exercise of Rule-Making Authority

This bill has passed the Assembly and is currently in the Senate Health Committee.

Status Update of Assembly Bill 267/Senate Bill 184 Related to Licenses and Limited X-Ray Machine Operator Permits to Engage in the Practice of Radiography and Creating a Radiography Examining Board

This bill has passed the Assembly and is currently in the Senate Health Committee.

Status Update of Assembly Bill 273/Senate Bill 191 Related to Podiatrists Licensing and the Podiatrists Affiliated Credentialing Board

This bill has passed both the Assembly and the Senate and is expected to be signed into law.

Status Update of Assembly Bill 275, Related to: the Physical Therapists Affiliated Credentialing Board. As of 10/8/09 Public Hearing held in the Assembly Health Committee on 9/30/09

This bill has passed on a voice vote in the Assembly and is currently in the Senate Health Committee.

Assembly Bill 440/Senate Bill 115, Related to: Licensure of Dietitians. As of 10/8/09
Public Hearing Held on SB 115

A public hearing was held and no other progress to report at this time.

UPDATE ON PENDING ISSUES

Chelation Informed Consent Rule

The scope statement has been drafted.

GME For Licensure - 1 To 3 Years

A statutory change is required to change the GME requirement from the current 1 year to a requirement for 3 years. Sheldon Wasserman suggested starting this process now before the end of the current legislative session.

Criminal Background Checks

The Board is on record as wanting the legislature to require criminal background checks for licensure. Gene Musser will contact Secretary Jackson with the Board's desire to move forward with the legislative process.

Impaired Professionals Procedure

Recommendations have been brought to the Secretary and the IPP task force recommended moving forward with the legislative process.

JANUARY 2010 REGULATORY DIGEST – SUGGESTIONS FOR ARTICLES

Sujatha Kailas has received an article from the Council on Physician Assistants. Publication should be in January or February.

FSMB UPDATE – GENE MUSSER, SUJATHA KAILAS AND SANDRA OSBORN

Gene Musser is on the Education and Program Committee. The April meeting will be in Chicago and one portion of the program will be web based. Sujatha Kailas is on the Nomination Committee. There are positions available on the Board of Directors and if any MEB members are interested they should contact Dr. Kailas. Dr. Musser asked that any interested parties should state their intentions at the December meeting in order for the MEB to support them by motion. Sandra Osborn has received articles for inclusion in the FSMB Journal.

**APPLICATION ISSUES THAT MAY BE RECEIVED IN THE BUREAU AFTER
MAILING OF THE AGENDA**

none

**EXAMINATION ISSUES THAT MAY BE RECEIVED IN THE BUREAU AFTER
MAILING OF THE AGENDA**

none

**CONTINUING EDUCATION ISSUES THAT MAY BE RECEIVED IN THE
BUREAU AFTER MAILING OF THE AGENDA**

none

**PRACTICE QUESTIONS RECEIVED IN THE BUREAU AFTER MAILING OF
THE AGENDA**

none

**APPEARANCES FROM REQUESTS RECEIVED OR RENEWED AFTER
MAILING OF THE AGENDA**

none

INFORMATIONAL ITEMS

none

OTHER BUSINESS

none

PUBLIC COMMENTS

One audience member noted her approval of the Board and the work they do to safeguard both the public and the profession.

CONVENE TO CLOSED SESSION

MOTION: Sandra Osborn moved, seconded by Jude Genereaux, to adjourn to closed session pursuant to Wisconsin State statutes 19.85(1)(a)(b)(f) and (g) for the purpose of conducting appearances, reviewing monitoring requests and requests for licensure, deliberating on stipulations, administrative warnings,

proposed decisions and orders, consulting with Legal Counsel and considering Division of Enforcement case status reports. Roll call vote: Jude Genereaux-yes; Jerold Harter-yes; Sujatha Kailas-yes; Jack Lockhart-yes; Raymond Mager-yes; Suresh Misra-yes; Ian Munro-yes; Gene Musser-yes; Sandra Osborn-yes; Sheldon Wasserman-yes. Motion carried unanimously.

Open Session recessed at 10:49 a.m.

RECONVENE TO OPEN SESSION

MOTION: Ian Munro moved, seconded by Sandra Osborn, to reconvene in open session. Motion carried unanimously.

Open session reconvened at 12:47 p.m.

VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION IF VOTING IS APPROPRIATE

MOTION: Sujatha Kailas moved, seconded by Jerold Harter, to reaffirm all motions made during closed session. Motion carried unanimously.

RATIFY LICENSES AND CERTIFICATES

MOTION: Sandra Osborn moved, seconded by Sujatha Kailas, to ratify all licenses and certificates presented. Motion carried unanimously.

DELIBERATION OF PROPOSED DECISIONS AND ORDERS

JOHN E MCVEY, MD
(09 MED 202)

MOTION: Raymond Mager moved, seconded by Jack Lockhart, to adopt the Findings of Fact, Conclusions of Law, Proposed Decision and Order in the matter concerning John E. McVey, MD. Motion carried unanimously.

THOMAS H WILLIAMS, MD
(07 MED 261/ LS0903121MED)

MOTION: Jack Lockhart moved, seconded by Sheldon Wasserman, to adopt the Findings of Fact, Conclusions of Law, Proposed Decision and Order in the matter concerning Thomas H. Williams, MD. Motion carried unanimously.

WALTER MELNYCZENKO, MD
(06 MED 083)

MOTION: Sujatha Kailas moved, seconded by Jerold Harter, to adopt the Findings of Fact, Conclusions of Law, Proposed Decision and Order in the matter concerning Walter Melnyczenko, MD. Motion carried unanimously.

RICHARD E SIMPSON III, MD
(06 MED 384)

MOTION: Suresh Misra moved, seconded by Jerold Harter, to adopt the Findings of Fact, Conclusions of Law, Proposed Decision and Order in the matter concerning Richard E. Simpson III, MD. Motion carried unanimously.

AZAM M BHATTI, MD
(06 MED 327/LS0707181MED)

MOTION: Raymond Mager moved, seconded by Sujatha Kailas, to adopt the Findings of Fact, Conclusions of Law, Proposed Decision and Order in the matter concerning Azam M. Bhatti, MD. Motion carried unanimously.

ISSUANCE OF COMPLAINTS

JOSEPH A BESSO, JR, MD
09 MED 317

MOTION: Sandra Osborn moved, seconded by Sujatha Kailas, to reaffirm the Board's finding of probable cause to issue a complaint in the matter of Joseph A. Besso, Jr. MD and to reaffirm the summary suspension of Dr. Besso's license. Motion carried unanimously.

06 MED 380

MOTION: Ian Munro moved, seconded by Sheldon Wasserman, in favor of a finding of probable cause to issue a complaint in the matter of **06 MED 380**. Motion carried unanimously.

CONSIDERATION OF ORDER FIXING COSTS

FRANK J SALVI, MD
(LS0707201MED)

MOTION: Jude Genereau moved, seconded by Suresh Misra, to adopt the Order Fixing Costs in the matter of disciplinary proceedings against Frank J. Salvi, MD. Motion carried. Sandra Osborn and Jack Lockhart abstained.

APPLICATION REVIEW

SALAMULLAH U SYED, MD

The Board reviewed additional information from Salamullah U. Syed, MD.

MOTION: Ian Munro moved, seconded by Sujatha Kailas, to grant a license to Salamullah U. Syed, MD. Motion carried unanimously.

MONITORING

No monitoring cases were presented.

CASE CLOSINGS

07 MED 254

MOTION: Suresh Misra moved, seconded by Raymond Mager, to close case **07MED 254** for no violation. Motion carried unanimously.

06 MED 379

MOTION: Sujatha Kailas moved, seconded by Jack Lockhart, to close case **06 MED 379** for insufficient evidence. Motion carried unanimously.

09 MED 120

MOTION: Jack Lockhart moved, seconded by Raymond, to close case **09 MED 120** for compliance gained. Motion carried unanimously.

08 MED 112

MOTION: Ian Munro moved, seconded by Jack Lockhart, to close case **08 MED 112** for compliance gained. Motion carried unanimously.

06 MED 274

MOTION: Raymond Mager moved, seconded by Jerold Harter, to close case **06 MED 274** for compliance gained. Motion carried unanimously.

09 MED 054

MOTION: Ian Munro moved, seconded by Sandra Osborn, to close case **09 MED 054** for insufficient evidence. Motion carried unanimously.

07 MED 004

MOTION: Ian Munro moved, seconded by Jerold Harter, to close case **07 MED 004** for insufficient evidence. Motion carried. Jack Lockhart dissented.

07 MED 271

MOTION: Sujatha Kailas moved, seconded by Ian Munro, to close case **09 MED 271** for no P6. Motion carried unanimously.

09 MED 145

MOTION: Sheldon Wasserman moved, seconded by Ian Munro, to close case **07 MED 145** for no violation. Motion carried unanimously.

07 MED 156

MOTION: Raymond Mager moved, seconded by Ian Munro, to close case **07 MED 156** for no violation. Motion carried unanimously.

ADJOURNMENT

MOTION: Ian Munro moved, seconded by Sandra Osborn, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 12:48 p.m.

THE NEXT MEETING IS DECEMBER 16, 2009